

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CHUBB NATIONAL INSURANCE COMPANY,)	
)	
Plaintiff)	CIVIL FILE ACTION
)	NO. 1:16-CV-1072
vs.)	
)	
DOYLE/HERNDON & ASS. Inc. d/b/a STEVE’S AUTOMOTIVE CENTER)	
)	
Defendant.)	

**PLAINTIFF CHUBB NATIONAL INSURANCE COMPANY’S
INITIAL DISCLOSURES**

(1) State precisely the classification of the cause of action being filed, a brief factual outline of the case including plaintiff’s contentions as to what defendant did or failed to do, and a succinct statement of the legal issues in the case.

Response:

This is a property subrogation case in which Plaintiff seeks recovery from Defendant for indemnity payments made to its insureds for property damage caused by a fire on August 8, 2014, that damaged the dwelling, contents and vehicles belonging to the Plaintiff’s Don and Marlene Hart.

Plaintiff contends that Defendant Doyle/Herndon & Associates, Inc. d/b/a Steve's Automotive Center ("Steve's Automotive Center") caused the fire at the home of Plaintiff's Don and Marlene Hart by the improper replacement and installation of the battery in their 2001 Lexus automobile shortly before the fire. After replacing the battery, Steve's Automotive Center failed to properly secure the battery using the securing rods and bracket with which the vehicle was equipped, resulting in a shift of the battery during operation which resulted in a short circuit and a fire. The fire subsequently spread, destroying the 2001 Lexus, a 2007 Chrysler Town & County van and caused significant damage to the Hart home and its contents.

(2) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which plaintiff contends are applicable to this action.

Response:

O.C.G.A. §51-1-1; O.C.G.A. §51-1-2; O.C.G.A. §51-1-3; O.C.G.A. §51-1-4; O.C.G.A. §51-1-6; O.C.G.A. §51-1-8; O.C.G.A. §51-12-4; O.C.G.A. §13-1-1; O.C.G.A. §13-6-1; O.C.G.A. §13-6-2; O.C.G.A. §13-6-13

(3) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support

your claims or defenses, unless solely for impeachment, identifying the subjects of the information. (Attach witness list to Initial Disclosures as **Attachment “A”**.)

(4) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Responses to Initial Disclosures as **Attachment “B”**.)

(5) Provide a copy of, or a description by category and location of, all documents, data compilations or other electronically stored information, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as **Attachment “C”**.)

(6) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary

material available for inspection and copying as under Fed.R.Civ.P. 34. (Attach copies and descriptions to Initial Disclosures as **Attachment “D”**.)

Plaintiff seeks recovery for damages to real and personal property in an amount of \$541,672.53. The computation of Plaintiff’s damages is set forth in the claim file, **CHUBB 000001 – CHUBB 002103**.

Category	Amount
Dwelling	\$359,481.20
Other Structure	\$93,896.53
Contents	\$53,207.93
Debris Removal and Cleanup	\$14,998.00
Automobile Loss	\$20,088.87
Total	\$541,672.53

(7) Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. (Attach copy of insurance agreement to initial disclosures as **Attachment “E”**)

(8) Disclose the full name, address, and telephone number of all persons or legal entities who have a subrogation interest in the cause of action set forth in plaintiff’s cause of action and state the basis and extent of such interest.

None, other than Plaintiff.

Respectfully submitted this 8th day of June, 2016.

s/ David M. Bessho

David M. Bessho

Georgia Bar No. 055784

COZEN O'CONNOR

Promenade II, Suite 400

1230 Peachtree Street NE

Atlanta, Georgia 30309

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(404) 572-2199 (facsimile)

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**CHUBB NATIONAL
INSURANCE COMPANY,**

Plaintiff

vs.

**DOYLE/HERNDON & ASS. Inc.
d/b/a STEVE'S AUTOMOTIVE
CENTER**

Defendant.

**CIVIL FILE ACTION
NO. 1:16-CV-1072**

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June, 2016, I electronically filed a copy of the foregoing with the Clerk of the Court using the CM/ECF system which will automatically send email notification and electronically serve a copy of such defendant attorney of record:

David F. Root
William E. Underwood
Carlock, Copeland & Stair, LLP
191 Peachtree Street, Suite 3600
Atlanta, Georgia 30303

s/ David M. Bessho
David M. Bessho

ATTACHMENT A

**List of Individuals Likely to Have Discoverable Information
That Plaintiff May Use to Support Its Claims or Defenses**

1. Don Hart and Marlene Hart
1120 Heards Ferry Rd
Sandy Springs, Georgia 30328
Subject: Don and Marlene Hart are the Plaintiff's insured. They owned the home where the loss took place and has knowledge of the fire, damages suffered, and adjustment of the claim.
2. Gregory Herndon
Doyle/Herndon & Ass., Inc. d/b/a Steve's Automotive Center
24 Hamby Road, SE
Marietta, Georgia 30067
Subject: Mr. Herndon is the Defendant and CEO of Steve's Automotive Center and has knowledge of its business practices.
3. Ashley Argyle, Property Claims Adjuster
Chubb Group of Insurance Companies
3630 Peachtree Rd., N.E.
Suite 1500
Atlanta, Georgia 30326
Subject: Ms. Argyle is employed by Plaintiff, assisted in the adjustment of the property loss, and has knowledge of matters associated therewith.
4. Tim Blake, General Adjuster
Chubb Group of Insurance Companies
3630 Peachtree Rd., N.E.
Suite 1500
Atlanta, Georgia 30326
Subject: Mr. Blake is employed by Plaintiff, assisted in the adjustment of the property loss, and has knowledge of matters associated therewith.
5. Cheryl A. Walls, Fire Investigator and Inspector
Sandy Springs Fire Department

7840 Roswell Road, Building 500

Sandy Springs, Georgia 30350

Subject: Ms. Walls assisted in the investigation of this loss, and has knowledge of matters associated therewith

6. Brian Nemet, Customer Experience Executive

Enservio, Contents Specialist

117 Kendrick Street, Suite 250

Needham, MA 02494

Subject: Mr. Nemet was retained by Plaintiff, assisted in the investigation of this loss, and has knowledge of matters associated therewith.

7. Jerry Bonner, Building Consultant

Bonner Custom Homes

269 Lawrence Street NW

Marietta, Georgia 30060

Subject: Mr. Bonner was retained by Plaintiff, assisted in the investigation and consulting regarding this loss, and has knowledge of matters associated therewith.

8. Wes Buchanan, Project Management & Estimating

Bonner Custom Homes

269 Lawrence Street NW

Marietta, Georgia 30060

Subject: Mr. Buchanan was retained by Plaintiff, assisted in the investigation and consulting regarding this loss, and has knowledge of matters associated therewith.

9. Michael P. Landry

Michael P Landry, LLC

1155 Ward Creek Drive, SW I

Marietta, Georgia 30064

Subject: Mr. Landry was retained as a contractor, performed repairs to the subject property. He has knowledge of matters associated therewith.

10. Myron Martin

MTM Enterprises, Inc.

565 County Line Road

Cumming, Georgia 30040

Subject: Mr. Martin was retained by Michael P. Landry as a subcontractor to perform repairs to the subject property. He has knowledge of matters associated therewith.

11. Charles Vail, Home Media Design & Installation

Aarons Systems Integrators

P.O. Box 278

Fayetteville, Georgia 30214

Subject: Mr. Vail was retained by Michael P. Landry as a subcontractor to perform repairs to the subject property. He has knowledge of matters associated therewith.

12. Whitney Kalamaro

Aarons Systems Integrators

P.O. Box 278

Fayetteville, Georgia 30214

Subject: Mr. Vail was retained by Michael P. Landry as a subcontractor to perform repairs to the subject property. He has knowledge of matters associated therewith.

13. Linda Dekle

North Georgia Unlimited

5334 Old Norcross Rd.

Norcross, Georgia 30071

Subject: Ms. Dekle was retained by Michael P. Landry as a subcontractor to perform repairs to the subject property. She has knowledge of matters associated therewith.

14. Jeff Wiggins, Property Manager

Allied Fence Co.

430 Veterans Memorial Hwy

Mableton, Georgia 30126

Subject: Mr. Wiggins was retained by Michael P. Landry as a subcontractor to perform repairs to the subject property. He has knowledge of matters associated therewith

15. Dave Merrow, President

Heavy Duty Lift & Equipment, Inc.

6559 Bermuda Lane

Flowery Branch, Georgia 30542

Subject: Mr. Merrow was retained by Michael P. Landry as a subcontractor to perform repairs to the subject property. He has knowledge of matters associated therewith

16. Matt Pritchett

Seminole Concrete, LLC

2290 Marshland Court

Suwanee, Georgia 30024

Subject: Mr. Pritchett was retained by Michael P. Landry as a subcontractor to perform repairs to the subject property. He has knowledge of matters associated therewith.

17. Jeremiah Zeis, Owner and Lead Electrician

On Call Electric Inc.

PO Box 343

Avondale Estates, Georgia 30002

Subject: Mr. Zeis was retained by Michael P. Landry as a subcontractor to perform repairs to the subject property. He has knowledge of matters associated therewith.

18. Any Volt Electric Company

7742 Spalding Drive #370

Norcross, Georgia 30092

Subject: Retained by Michael P. Landry as a subcontractor to perform repairs to the subject property. He has knowledge of matters associated therewith.

19. Clear As Rain

113 Emma Lane

Woodstock, Georgia 30189

Subject: Retained by Michael P. Landry as a subcontractor to perform repairs to the subject property. He has knowledge of matters associated therewith.

20. Hals Quality Painting

2028 Jefferson Drive

Sandy Springs, Georgia 30350

Subject: Retained by Michael P. Landry as a subcontractor to perform repairs to the subject property. He has knowledge of matters associated therewith.

21. Sally A. McCullen, Total Loss Adjuster

Chubb Group of Insurance Companies

600 Independence Parkway

Chesapeake, Virginia 23320

Subject: Ms. McCullen is employed by Plaintiff, assisted in the adjustment of the automobile loss, and has knowledge of matters associated therewith.

22. Jennifer Shea, Total Loss Adjuster

Chubb Group of Insurance Companies

600 Independence Parkway

Chesapeake, Virginia 23320

Subject: Ms. Shea is employed by Plaintiff, assisted in the adjustment of the automobile loss, and has knowledge of matters associated therewith.

23. Sara Germani

Copart Auto Auctions

761 Clark Drive

Ellenwood, Georgia 30294

Subject: Ms. Germani was retained by Plaintiff, assisted in the retrieval and transport of the automobiles from the subject property to the salvage yard.

24. Kristen Meers, Claims Representative Fire & Theft

800 Progressive Way NW, Suite 150

Marietta, Georgia 30066

Subject: Ms. Meers retained by Mr. Alweiss, assisted in the subrogation process on the automobile parked on the property that received residual fire damage as a result of the garage fire, and has no direct involvement in the adjustment or investigation of the property loss.

25. Dennis Phillips, Assistant Vice President

Private Risk Management

Wells Fargo Insurance Services USA, Inc.

3475 Piedmont Rd., N.E., Suite 800

Atlanta, Georgia 30305

Subject: Mr. Phillips assisted in the investigation of a demand made by Progressive regarding the loss of an automobile owned by guest on the subject property that was destroyed as a result of the fire, and has knowledge of matters associated therewith.

26. Ira Alweiss

6040 Moss Ranch Road

Pinecrest, FL 33158

Subject: Mr. Alweiss was a guest of the Plaintiff and owned an automobile that was parked on the subject property and received residual fire damage as a result of the garage fire, and has knowledge of matters associated therewith.

27. Franklin Smith

264 Briarcrest Court

Marietta, Georgia 30062

Subject: Mr. Smith is the owner of the 1955 Jaguar XK 140, parked at the subject property at the time of the fire.

ATTACHMENT B

**Persons Who May be Used at Trial to Present Evidence
Under Rule 702, 703 or 705 of the Federal Rules of Evidence**

Plaintiff has not designated expert witnesses at this time, but reserves the right to designate expert witnesses and provide expert disclosures in accordance with the Federal Rules of Civil Procedure.

ATTACHMENT C

**Description by Category and Location of All Documents, Data
Compilations, or Other Electronically Stored Information, Intangible
Things in Plaintiff's Possession, Custody, or Control that it May
Use to Support its Claims, Unless Solely for Impeachment**

Plaintiff relies upon its claim files to support its claims in this case. The auto and property claim files are attached hereto as **CHUBB 000001 – CHUBB 002103**.

ATTACHMENT D

**Computation Of Any Category of Damages Claimed. Copy of, or Describe by
Category and Location of, The Documents or Other Evidentiary Material,
Not Privileged or Protected From Disclosure, on Which Such
Computation is Based.**

Plaintiff relies upon its claim files to support its claims in this case. The auto and property claim files are attached hereto as **CHUBB 000001 – CHUBB 002103**.

ATTACHMENT E

**Insurance Agreement Which may be Liable to Satisfy Part or
All of the Judgment Which May be Entered in this Action**

Not applicable to Plaintiff.